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10/677,469	10/02/2003	Michael Gerra	023895/269973	8485

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EXAMINER	
HASSAN, RASHEDUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	**Application No.** 10/677,469	**Applicant(s)** GERRA ET AL.
	Examiner Rashedul Hassan	**Art Unit** 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLorme et al. (US 5,948,040), hereinafter DeLorme.

For claim 1, DeLorme discloses an embodiment of the computerized travel reservation information and planning system (TRIPS) having a user interface for accessing information from multiple remote sources comprising:

A first machine (a desktop PC 105 in Fig 1A containing limited TRIPS software as described in column 14) for receiving a request for data (route between two geographic points, col. 49 lines 62-65) and for providing the requested data (calculated route 591 in Fig 5D, column 49, lines 63-66) to be displayed in a first display area (589 in Fig 5D, column 49, lines 63-66), wherein the first machine comprises a computerized reservation system (since TRIPS is a computerized reservation system, see "Field of the Invention", lines 32-37);

A second machine coupled to said first machine (CRT 115 in Fig 1A, column 14, line 60) and having a display (Fig 5D) comprising at least the first display area (589 in Fig 5D) and a second display area (593 in Fig 5D); and

A third machine (one of the distributed servers as described in column 14, for example, online databases containing updated and real-time geographic, temporal, topical and accounting information or servers belonging to 3rd party providers) for receiving a query based at least in part upon the request for data (a query for restaurants near the requested route 591 in Fig 5D, the query may also take into account temporal conditions such as calculated arrival date/time, profile information and preferences as described in column 61, lines 1-26.), wherein the results of the query (restaurant list and descriptions) are displayed in the second display area (593 of Fig 5D) of the second machine.

For claim 2, the first machine (105 in Fig 1A) of DeLorme's above mentioned user interface further comprises a processor (column 14, line 55) for determining whether a page of the results contains a tag and displaying a button (594 in Fig 5D) corresponding to the tag in the second display area (593 of Fig 5D).

For claim 3, the processor of DeLorme's above mentioned user interface further comprises machine-readable instructions for:

composing a booking transaction by extracting the results of the query from the second display area when the button is activated (column 50, lines 27-44);

transmitting the booking transaction to the first machine (column 50, lines 45-48); and displaying a confirmation message in the first display area (confirmation in the form of a map-ticket can be displayed on the map display interface 589 in Fig 5D as mentioned in column 66, lines 21-28).

For claim 4, the third machine (one of the distributed servers for example online databases containing updated and real-time geographic, temporal, topical and accounting information or servers belonging to 3rd party providers) in DeLorme's user interface is also for storing data responsive to the query, and for providing the results of the query to the second machine (column 14, lines 15-18).

Claims 5 (a computer-implemented method) and 8 (a machine-readable storage medium) are similar in scope with respect to claim 1 (a user interface) and thus rejected under the same rationale used for the rejection of claim 1 as already discussed heretofore.

Claims 6 (a computer-implemented method) and 9 (a machine-readable medium) are similar in scope with respect to claim 2 (a user interface) and thus rejected under the same rationale used for the rejection of claim 2 as already discussed heretofore.

Claims 7 and 11 (both a computer-implemented method) are similar in scope with respect to claim 3 (a user interface) and thus rejected under the same rationale used for the rejection of claim 3 as already discussed heretofore.

For claim 10, the limitations are similar to claim 3 except that the second machine performs some of the functions previously performed by the first machine in claim 3. Still DeLorme's disclosed invention implemented entirely online – for example, as a central TRIPS service bureau, or by means of a TRIPS Internet World Wide Web Site utilizing applets developed in Java or equivalent computer languages (column 14, lines 43 – 53) anticipates the claimed limitations as shown below:

a first machine (TRIPS web server) coupled to a display (CRT 115 in Fig 1A) for:

receiving a request for data (route between two geographic points, col. 49 lines 62-65); and

displaying said data (591 in Fig 5D, column 49, lines 63-66) in a first display area (589 in Fig 5D, column 49, lines 63-66) in response to the request;

a second machine (desktop PC 105 having the CRT display 115 in Fig 1A) for:

providing the first display area (589 in Fig 5D) and a second display area (593 in Fig 5D) for displaying data therein; and

a third machine (one of the distributed servers as described in column 14, for example, online databases containing updated and real-time geographic, temporal, topical and accounting information or servers belonging to 3rd party providers) for:

receiving a query based at least in part upon the request for data (a query for restaurants near the requested route 591 in Fig 5D, the query may also take into account temporal conditions such as calculated arrival date/time, profile information and preferences as described in column 61, lines 1-26.), wherein the results of the query (restaurant list and descriptions) are displayed in the second display area (593 of Fig 5D) of said second machine and wherein said second machine is also for:

determining whether a page of the results contains a tag and displaying a button (594 in Fig 5D) corresponding to the tag in the second display area (593 of Fig 5D);

composing a booking transaction by extracting the results of the query from the second display area when the button is activated (column 50, lines 27-44);

transmitting the booking transaction to the first machine (column 50, lines 45-48); and

displaying a confirmation message in the first display area (confirmation in the form of a map-ticket can be displayed on the map display interface 589 in Fig 5D as mentioned in column 66, lines 21-28).

Response to arguments

The examiner acknowledges and appreciates applicant's amendments to the specification and claims filed on 02/28/2007. The objections to the specification due to informalities, rejections under 35 U.S.C 112, second paragraph for claims 5, 8, 10 and 11, rejections of claims 8 and 9 under 35 U.S.C 101 as being directed to non-statutory subject matter, made in the Office Action of 10/30/2006, are hereby withdrawn in consideration of applicant's amendments. Furthermore, the non-statutory double patenting rejections for claims 1-9 and 11 over claims 1-4 and 8 of U.S. Patent No. 6630942 and claims 1,2,5,6,8, and 9 over claims 1 and 6 of U.S. Patent No. 6229534 are hereby withdrawn based upon approval of the applicant's submitted terminal disclaimer.

Applicant's arguments presented in the remarks filed on 02/28/2007, have been fully considered but are not persuasive due to the following reasons:

In order to patentably distinguish DeLorme, Applicant amended the independent claims 1, 5, and 8 to recite that the first machine comprises a computerized reservation system (CRS).

Applicant argues that DeLorme does not teach or suggest that the TRIPS system communicates with a CRS in order to process requests and display the results of the request on a display. In reply, the examiner would like to point out that TRIPS itself is a computer reservation system (CRS). TRIPS stands for "Travel Reservation and Information Planning Systems", which is a completely integrated computer reservation system enabling an individual to perform transactions and/or reservations for goods/services such as transportation, performance tickets and diverse accommodations (see "Field of the Invention", column 1 lines 28-47). One of the advantage of the TRIPS system is that travel planning can be optimized in an iterative process which incorporates reserving, purchasing, and ticketing the planned travel quickly and personally (column 7 lines 35-38). The reservation system is not limited to modes of travel. Lodging, restaurant, cultural event, sporting event, theme park, tour, recreational, and other types of reservations are also accomplished (column 8, lines 44-48). TRIPS can provide its' reservation/ticketing functionality using it Accounting Sybsytem (Fig. 8A, col. 60 line 6 – col. 65 line 31). In particular, DeLorme discloses that the TRIPS invention facilitates not only individualized travel planning or informational output but also contractual or transactional travel arrangements, e.g. ticket purchases making reservations, taking advantage of special goods/service offers or options and so forth within TRIPS (col. 63, lines 35-43). DeLorme teaches that a TRIPS user can incorporate one or more consummated transactional travel arrangements into their customized TRIPS travel plan output in the form of a "map ticket" i.e. one or more electronic and/or printed documents, for use in their travels (col. 63 lines 47-53). It is this map ticket, which can be transferred electronically to a third party computer reservation system, which the applicant refers to. Such transfer may be necessitated when the TRIPS embodiment, in addition of providing reservation/ticketing services within itself, also provides and/or broker tickets, reservations and other special good/service offers and coupons from a plurality of third-party participating providers. However, this aspect of DeLorme's invention was not relied upon by the examiner in the rejection of claims 1, 5 and 8. Applicant further argues that Delorme allegedly distinguishes CRSs from the TRIPS system and teaches away from employing a CRS with the TRIPS system. Examiner disagrees because the part of the disclosure that the applicant relies on (col. 5, lines 59-64) further proves that DeLorme's invention is in fact a computer reservation system which is an improvement over the prior computer reservation systems and does not teach or suggest making a distinction between CRS and TRIPS other than showing that TRIPS is an improved CRS. Therefore, the examiner maintains the rejection showing that DeLorme teaches that a CRS (a desktop PC 105 in Fig 1A containing limited TRIPS software as described in column 14.) is employed to receive requests for data (route between two geographic points, col. 49 lines 62-65) and to provide the requested data (calculated route 591 in Fig 5D, column 49, lines 63-66) to be displayed in a first display area.

The examiner would like to point out that the claims 1, 5 and 8, as recited, do not require that the requested data be "displayed in such a manner that a query may be generated based on the data provided by the CRS", as argued by the applicant. The language of the applicant's argument implies a dependency between the manner of the display and the query generation, when there is no such dependency in the claim language. The claims do not necessarily require that the query itself has to be dependent on the data provided by the CRS, let alone the manner of displaying such data. For example, claim 1 recites:

"a third machine for receiving a query based at least in part upon the request for data"

In light of the broadest reasonable interpretation, one of ordinary skill in the art can reasonably interpret the above limitation to mean at least one of the following:

1) the event "receiving" a query is based upon the action "the request for data". In other words a third machine receives a query (no limitation on what the query is about) at the time or any time after a user requests the first machine for data.

2) the "query" itself is based on the data requested from the first machine but there is no limitation that the data requested needs to be provided before generating and executing the query. In other words, the third machine can receive the query at the time or anytime after the user requests for data to the first machine.

Therefore, DeLorme clearly anticipates this limitation of the claims, since when a user requests a route between two points from the first machine, the first machine displays the requested data on the display area showing the map (589 in Fig. 5D). At the same time or upon the request from the user online databases containing updated and real-time information on points of interests along the route (Fig. 7A and 7B) are queried and the results of the query are displayed on a second display area (593 in Fig. 5D).

Regarding independent claims 10 and 11, the applicant argues that DeLorme nowhere teaches or suggests that a page of the results is queried in order to determine whether the page includes a tag. However, the applicant's argument is not persuasive. The claims do not recite that a page of the results is "queried" in order to determine whether the page includes a tag, rather the claims simply say:

> *determining whether a page of the results contains a tag; and*
>
> *displaying a button corresponding to the tag in the second display area.*

DeLorme shows a button labeled "RESERVATION" in the second display area where a page of the results is displayed. Without importing limitations from the specification into the claim, a reasonable interpretation of the word "page" is a block of program instructions or data stored in RAM or secondary storage. In order to render the

"RESERVATION" button on to the display, the processor necessarily has to determine within the page in memory containing the results whether there exists a code for rendering such a button along with the results to display. Claims 2,6 and 9 are thus rejected according to the reasoning discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

BA HUYNH
PRIMARY EXAMINER